

No. A-

IN THE SUPREME COURT OF THE UNITED STATES

DAVID DELVA, **Petitioner**

v.

UNITED STATES OF AMERICA, **Respondent**

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Second Circuit

**APPLICATION FOR AN EXTENSION OF TIME WITHIN
WHICH TO FILE A PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable Ruth Bader Ginsburg, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

Pursuant to 28 U.S.C. § 2101(c) and Rule 13.5 of the Rules of this Court, applicant David Delva (“Applicant”) requests a 60-day extension of time, to and including, Friday, February 9, 2018, within which to file a petition for a writ of certiorari in this case. Applicant's appeal from the judgment and conviction was affirmed by the court of appeals in a 2-1 decision on June 1, 2017. His petition for rehearing or *en banc* review was denied on September 12, 2017. Unless extended, the time to file a petition for a writ of certiorari will expire on December 11, 2017. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1). A copy of the Second Circuit's opinion affirming the judgment reported at *United States v. Delva*, 858 F.3d 135 (2d Cir. 2017) is attached as Exhibit A, and the Second Circuit’s summary order denying rehearing is attached as Exhibit B.

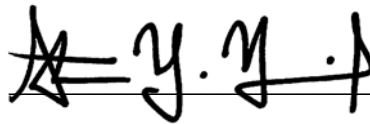
The issues raised by this case concern important questions regarding the Fourth Amendment and the exigent circumstances exception, as well as an appellate court’s ability to find facts with respect to a contested issue for the first time on appeal.

Good cause exists for this application. Counsel has been appointed to represent applicant pursuant to the Criminal Justice Act. Applicant is currently confined in Florida making communications by counsel with applicant particularly difficult. Applicant has been very involved in his defense and has requested from counsel that he be permitted to review and provide input regarding the issues to be raised. Moreover, counsel's other professional obligations in the Second Circuit, and other courts, has prevented him from devoting himself fully to this matter. The additional two months will permit counsel to fully research the issues to be raised, consult with and received input from applicant and allow for a professional submission to this Court.

The government (AUSA Justina Geraci) has authorized me to state that it has no objection to the granting of this application. No party will be prejudiced by the extension sought.

Respectfully submitted.

November 28, 2017

A handwritten signature in black ink, appearing to read 'S. Y. Yurowitz', written over a horizontal line.

STEVEN Y. YUROWITZ, ESQ.

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